

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

EDWIN PEREZ §
VS. § CIVIL ACTION NO. 1:07cv176
ALFRED WATTS, ET AL. §

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Edwin Perez, an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed the above-styled civil rights lawsuit pursuant *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Alfred Watts and James Gibbs. The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court.

The defendants have filed an amended motion for summary judgment. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the amended motion be granted.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the Court is of the opinion plaintiff's objections are without merit. Under 42 U.S.C. § 1997e(a), “[n]o action shall be brought with respect to prison conditions ... by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” In light of this exhaustion requirement, the Magistrate Judge correctly concluded that plaintiff failed to exhaust his administrative remedies. *See Dillon v. Rogers*, 596 F.3d 260, 268 (5 Cir. 2010).

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. The defendants' amended motion for summary judgment is **GRANTED**. A final judgment will be entered dismissing this lawsuit in accordance with the recommendation of the Magistrate Judge.

So **ORDERED** and **SIGNED** this 2 day of **July, 2013**.



Ron Clark, United States District Judge